



Patent / Docket No. 31132.173/PC755.00
Customer No. 27683

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:
Trieu

Serial No. 10/765,260

Filed: January 27, 2004

For: HYBRID INTERVERTEBRAL DISC
SYSTEM

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Group Art Unit: 3738

Examiner: Isabella, David J.

RESPONSE TO ELECTION OF SPECIES

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the election of species requirement set forth in the Office Action mailed December 9, 2004, the Applicant hereby elects, with traverse, the species of Figures 3 and 4. The Examiner has indicated in the Office Action that Figures 3 and 4 each depict a different species, but Figures 3 and 4 are actually just different views, one exploded and one assembled, of a single species. Claims 1-4, 7-18, 21, 22, 28, 53, and 58-61 are readable on the elected species. These same claims 1-4, 7-18, 21, 22, 28, 53, and 58-61 are also generic, in that they each read on the elected species and on at least one of the non-elected species.

Should the Examiner wish to discuss this further, he is respectfully invited to contact the undersigned at the number provided below.

Respectfully submitted,

Julie M. Nickols
Julie M. Nickols
Reg. No. 50,826

Date: January 4, 2005

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R-95290

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on

1-4-05
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Signature of person mailing paper and fee